

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.2865 OF 2006

Mrs.Seema Khan .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.K.R.Tiwari for applicant

Mr.S.Hingorani, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 16th August 2006

P.C.

. Applicant is apprehending arrest in
C.R.No.299 of 2006 registered with M.I.D.C.

police Station for offences under section 406, 413 and 420 of I.P.C.

2. Along with others applicant has been accused of incorporating and registering an Airline company and attracting people to the same by way of promising them recruitment as employees. It is upon a complaint that number of such persons were promised employment and recruitment, monies were extracted and ultimately the entire venture was found to be bogus, that the investigation have commenced.

3. While it is true that some persons who are accused of the same offences along with present applicant have come forward and returned monies so also being enlarged on bail by the regular court, it is necessary to probe the role of the applicant in the affairs of the company further. However, considering the fact that most of the documents are seized and even arrests have

been effected, so also the applicant being lady and mother of two minor children, aged 6 and 4 years, it is desirable and in the interest of justice that her application for pre-arrest bail is considered favourably. However, the Court has to ensure a smooth investigation as well.

4. In the light of the fact that the other were also on the Board as Directors, it would be in the fitness of things that the applicant is enlarged on bail in the event of her arrest. Hence following order:-

i) In the event of the arrest of the applicant in connection with C.R.No.299 of 2006 registered with MIDC Police Station, the applicant shall be enlarged on bail in the sum of Rs.20,000/- with one or two sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will attend the MIDC police station everyday between 5.00 p.m. and 8.00 p.m. till the charge sheet is filed. Needless to state that applicant shall cooperate with the investigating agency. Applicant shall furnish her passport, if any, to the I.O.

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, she will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)